

REMARKS

Applicants have amended claims 40, 41 and 46 and canceled claims 1, 5-7, 15-29. Amended claims 41-53 now depend from claim 40. No new matter has been entered.

By making the foregoing amendments, Applicants do not acquiesce to any of the Examiner's prior rejections or objections of the claims and are making such amendments in an effort to expedite prosecution of this application to allowance. Applicants reserve the right to file a continuing application to any of the now canceled subject matter.

Rejection of the Specification

The Examiner has objected to the specification for involving informalities. The Examiner contends that the definition of J, where J is R' substituted with J, allows for an indefinite number of compounds to be described.

The specification, page 14 line 28 through page 15 line 30, has been amended to deleted occurrences where R' is substituted with J.

The rejection is therefore moot. Reconsideration and withdrawal of the rejection is respectfully requested.

Rejection of Claims 1, 5-7, 15-29, and 41-45 under 35 U.S.C.
§ 112 second paragraph

Claims 1, 5-7, 15-29, and 41-45 are rejected under 35 U.S.C. § 112 second paragraph, as being indefinite for

failing to point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner contends that the definition of J, where J is R' substituted with J, allows for an indefinite number of compounds to be described.

Claims 1, 5-7, 15-29, have been canceled and Claim 41-45 are now dependent on claim 40. The rejection is therefore moot. Reconsideration and withdrawal of the rejection is respectfully requested.

Rejection of Claims 1, 5-7, 15-29, and 40-45 under 35 U.S.C. § 103 (a) - Sasaki et al. (J. Org. Chem. 1997, 765-770) in view of Babine et al. (WO 02/18369)

Claims 1, 5-7, 15-29, and 40-45 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sasaki et al. (J. Org. Chem. 1997, 765-770) in view of Babine et al. (WO 02/18369). Specifically, the Examiner asserts that Sasaki et al. teach a synthesis of optically pure cis- and trans-3-alkyl substituted proline derivatives, and Babine et al. teach compound EN on page 65, its synthesis and a pharmaceutical composition comprising an effective amount of this compound. From this the Examiner concludes that it would have been obvious to one of ordinary skill in the art to make a 3-isopropyl substituted praline, and use the synthesis presented by Babine et al. with a reasonable expectation of success.

Applicants respectfully disagree. However solely to further prosecution Applicant have canceled claims 1, 5-7, and 15-29, and amended claims 41-45 to be dependent from

claim 40. Applicants reserve the right to pursue the canceled subject matter in a continuing application.

Reconsideration and withdrawal of the rejection is respectfully requested.

Provisional Rejection of Claims 1-5, 15-29, and 40-45 For Obviousness-Type Double Patenting -U.S. Patent Application Publication No: 2004/0077600 A1 in view of Patani et al. (Chem. Rev. 1996, 3147-3176)

The Examiner has provisionally rejected claims 1-5, 15-29, and 40-45 under "nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 4-16, 21-29, and 34 of copending Application No. 10/614,432 in view of Patani et al."

Upon indication of allowable subject matter Applicants will address these rejections if and when they become non-provisional.

Conclusion

Applicants respectfully request that the Examiner enter the above amendments, consider the foregoing remarks, and allow the pending claims to issue.

If the Examiner believes that a telephone conference would expedite prosecution, he is invited to call the applicants' undersigned agent at any time.

Respectfully Submitted

/Susan C. Kelly/

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